

MEMORANDUM

March 16, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: STEVEN D. BLADES, ESQ.
Law Offices of Manning & Marder

NARBEH BAGDASARIAN
Senior Associate County Counsel, Health Services Division

RE: Mary Craig v. County of Los Angeles
United States District Court, Case No. CV 05-01711 ER

DATE OF
INCIDENT: February 26, 2004

AUTHORITY
REQUESTED: \$300,000.00

COUNTY
DEPARTMENT: LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

CLAIMS BOARD ACTION:

☐

Approve

☐

Disapprove

☐

Recommend to Board of
Supervisors for Approval

_____, Chief Administrative Office
ROCKY ARMFIELD

_____, County Counsel
JOHN F. KRATTLI

_____, Auditor-Controller
MARIA M. OMS

on _____, 2006

SUMMARY

This is a recommendation to settle for \$300,000.00, the lawsuit brought by Mary Craig, the representative of the Estate of decedent, Darran Craig, who died while in the custody of the Los Angeles County Sheriff's Department.

LEGAL PRINCIPLE

The County is liable for the failure of its jail and medical staff to monitor and provide a jail inmate with immediate medical care. If the failure is found to be the result of a policy or practice of deliberate indifference to the serious medical needs of jail inmates, the County may be liable for a violation of the Federal Civil Rights Act and responsible for the individual's attorneys' fees for bringing the lawsuit.

SUMMARY OF FACTS

Decedent, Darran Craig, a 31-year-old man, was arrested on January 13, 2004. On January 14, 2004, an initial medical/mental health intake screening examination indicated that Mr. Craig had a history of mental illness. Mr. Craig's mental illness was confirmed during another examination on January 15, 2004, and he was placed on the psychiatric evaluation line.

While in custody, Mr. Craig continued to receive mental health care. On February 25, 2004, Mr. Craig was again examined by a psychologist and due to Mr. Craig's mental condition, he was placed in an individual cell, on a fifteen minutes routine observation checks.

On February 26, 2004, at around 8:10 a.m., during a pill-call (when the personnel visit the inmates to give them medications), Mr. Craig got into a struggle with one of the personnel. On the same day, at about 10:30 a.m., when the personnel were conducting a regular monitoring, Mr. Craig was unresponsive to the questions by the personnel. At that time, no attempts were made to ascertain why Mr. Craig was unresponsive.

During the next pill-call, at about 12:10 p.m., the personnel knocked on Mr. Craig's door. After hearing no response, the personnel looked inside the cell and saw that Mr. Craig was lying on his right side between the toilet and his bunk with his head resting on his right arm. The personnel concluded that Mr. Craig was sleeping or was simply refusing to acknowledge their presence. Based on such conclusion, the personnel did not enter the cell to check on Mr. Craig's condition.

At about 12:45 p.m., while conducting a security check, one of the deputies noticed that Mr. Craig was unconscious on the floor. The personnel entered Mr. Craig's cell and found him without pulse. Resuscitation measures were undertaken without any effect.

An autopsy was performed. The Coroner found a chunk of saran wrap in Mr. Craig's larynx (airways). The saran wrap probably came from a lunch sandwich. It appeared, therefore, that Mr. Craig either committed suicide by forcing the saran wrap into his mouth or accidentally died from choking on the saran wrap.

DAMAGES

If this matter proceeds to trial, the claimant will certainly seek the following items of damages:

General damages for loss of plaintiff's son	\$ 500,000.00
Funeral Expenses (est.)	\$ 5,000.00
Punitive damages	\$ 100,000.00
Attorney Fees and Costs	\$ <u>100,000.00</u>
TOTAL	\$ 705,000.00

The proposed settlement includes:

Attorney's fees	\$ 100,000.00
General damages for loss of plaintiff's son	\$ <u>200,000.00</u>
TOTAL	\$ 300,000.00

The proposed settlement includes a cash payment for the total amount of \$300,000.00.

STATUS OF CASE

Plaintiff, Mary Craig, the decedent's mother, brought an action against the County of Los Angeles for wrongful death and violation of Civil Rights. Prior to the trial date in this matter, a tentative settlement agreement was reached between the plaintiff and the County of Los Angeles.

Expenses incurred by the County in the defense of this case from the time of initial assignment to defense counsel are attorney's fees and costs of \$17,756.26.

The total cost to the County, as a result of this settlement, will be as follows:

Indemnity (Settlement Amount)	\$ 300,000.00
County Attorney's Fees and Costs	\$ <u>17,756.26</u>
TOTAL	\$ 317,756.26

EVALUATION

Experts will be critical of the failure of the jail personnel on February 26, 2004, to regularly visit Mr. Craig in his cell as ordered and ascertain his well being. This failure fell below the standard of care, and to a reasonable degree of medical probability, contributed to the death of Mr. Craig.

We join with our private counsel, Steven Blades from Manning & Marder, and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$300,000.00.

The Los Angeles County Sheriff's Department concurs in this settlement.

APPROVED:

RICHARD K. MASON
Assistant County Counsel

NB:bdv

Attachment